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PATENT

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THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Rodney Smedt et al.

Application No.: 10/714,460

Filed: November 14, 2003

For: MEASUREMENT OF OVERLAY
USING DIFFRACTION GRATINGS
WHEN OVERLAY EXCEEDS THE
GRATING PERIOD

Customer No.: 2490

Group No.: 2812

Examiner: Unknown

**SUBMISSION OF POWER OF
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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

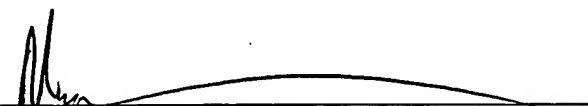
Enclosed for filing please find a duly executed Power of Attorney by Assignee for the above-identified application which specifies an Assignment recordal date of March 15, 2004, at Reel 15072, Frame 292, and shows Assignee's entire right, title and interest to establish ownership.

Respectfully submitted,

STALLMAN & POLLOCK LLP

Date: October , 2004

By:


Michael A. Stallman (Reg. No. 29,444)

Attorneys for Applicant(s)



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Confirmation No.: 2490

Group Art: 2812

Examiner: Unknown

**POWER OF ATTORNEY BY
ASSIGNEE**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

THERMA-WAVE, INC., assignee of the entire right title and interest in the above-identified application by assignment dated 11/20/2003, 11/19/2003, and 11/19/2003, which assignment was recorded in the Patent and Trademark Office on March 15, 2004, at Reel 015072, frame 0292, attached hereto, hereby appoints the practitioners associated with the Customer Number below as attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected herewith:

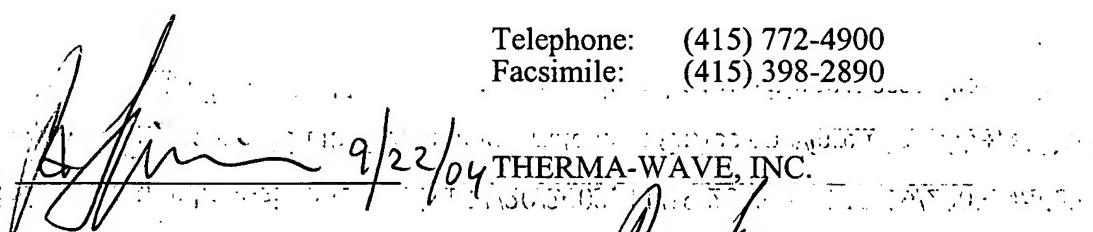
CUSTOMER NO.: 28584

Please direct all correspondence regarding this application to the following:

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Dated:


9/22/04 THERMA-WAVE, INC.

By:

Name: Boris Litvin

Title: President and Chief Executive Officer